

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JAMES OUTLAW,

Plaintiff,

v.

Civil No. 04-10353-BC

Hon. David M. Lawson

Magistrate Judge Charles E. Binder

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S AMENDED
REPORT AND RECOMMENDATION, GRANTING DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT, DENYING PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT AND DISMISSING COMPLAINT**

This matter is before the Court on the amended report and recommendation of United States Magistrate Judge Charles E. Binder to dismiss the complaint. The case was referred to the magistrate judge on an order for general case management pursuant to 28 U.S.C. § 636(b) and E.D. Mich. LR 72.1. The magistrate judge issued his amended report on July 13, 2005 recommending that the Court grant the defendant's motion for summary judgment, deny the plaintiff's motion for summary judgment, and dismiss the complaint because substantial evidence supports the Commissioner's determination that the plaintiff is not disabled. The plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's amended report and recommendation [dkt # 17] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment [dkt # 14] is **DENIED**.

It is further **ORDERED** that the defendant's motion for summary judgment [dkt # 11] is **GRANTED**.

It is further **ORDERED** that the plaintiff's complaint is **DISMISSED WITH PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: August 4, 2005

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means or first class U.S. mail on August 4, 2005

s/Tracy A. Jacobs
TRACY A. JACOBS